

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LBRY, INC.,

Defendant.

Civil Action No. 21-cv-00260-PB

**COMMISSION’S MOTION TO EXTEND THE TIME
TO RESPOND TO LBRY’S MOTION TO LIMIT THE COMMISSION’S REMEDIES**

Plaintiff Securities and Exchange Commission hereby moves the Court for an additional five (5) days to respond to LBRY’s Motion to Limit the Commission’s Remedies. The Commission respectfully requests it have until Monday, December 19, 2022 to respond to LBRY’s motion. In support of its motion, the Commission states:

1. On November 30, 2022, LBRY filed an assented-to motion for an expedited briefing schedule. *See* Dkt. No. 88. LBRY stated that it requested the expedited briefing schedule because of its “financial situation.”
2. On December 1, 2022, the Court granted the motion and set the schedule: LBRY’s motion due Wednesday, December 7; the Commission’s response due Wednesday, December 14; LBRY’s reply due Monday, December 19.
3. On December 7, 2022, LBRY filed its Motion to Limit the Commission’s remedies. In its memoranda, LBRY argued the law limited the Commission’s remedies and additionally requested the Court impose specific remedies on it. *See* Dkt. No. 89.

4. As counsel for the Commission stated during the recent scheduling conference, the Commission is the sole authority to advance certain aspects of or positions in litigation. An additional five days would allow the Commission to convene on an expedited basis to authorize aspects of a response.
5. An additional five days would provide the Commission with a total of 12 days to respond to LBRY's motion, which remains less than the 14 days afforded by the local rules to respond to a motion. An extension would not result in the continuance of any hearing, conference, or trial and would likely have a negligible impact.
6. The Commission would consent to an equal extension of time for LBRY to file its reply. Counsel for the Commission conferred with counsel for LBRY, and reports that LBRY does not consent to this motion.

For the above reasons, the Commission requests its response to LBRY's motion be due on or before December 19, 2022.

Dated: December 11, 2022

Respectfully submitted,

**SECURITIES AND EXCHANGE
COMMISSION**

By its Attorneys,

/s/ Peter Bryan Moores

Peter Bryan Moores (Mass Bar No. 658033)
Amy Harman Burkart (Mass. Bar No. 651828)
Marc Jones (Mass Bar No. 645910)
Boston Regional Office
33 Arch Street
Boston, MA 02110
(617) 573-4576 (Moores direct)
mooresp@sec.gov

CERTIFICATE OF SERVICE

I hereby certify that, on December 11, 2022, I caused true and correct copies of the foregoing to be served on counsel of record for all parties that have appeared to date through the Court's CM/ECF system.

/s/ Peter Bryan Moores

Peter Bryan Moores